REMARKS

Claims 1-30 are pending in the application. Claims 1, 20, 21, and 25 have been amended. Applicants acknowledge the Examiner's finding of allowable subject matter in Claims 2, 3, 5, 7-10, 12-15 and for allowing claims 19-28. Claims 29 and 30 have been added. Support for all amendments and new claims can be found in the specification as originally filed.

REJECTIONS UNDER 35 USC 102(b)

Claims 1, 4, 17 and 18 stand rejected under 35 USC 102(b) as being anticipated by Reilly et al. (hereinafter "Reilly").

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. See *Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teachings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See. *Jamesbury Corp v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (CAFC 1985); *Kalman v. Kimberly-Clark Corp* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Reilly discloses that:

In summary, a new and improved system by which an injection syringe, such as the syringe 22 in the embodiment of FIGS. 1-8, readily can be mounted upon and/or removed from the front wall 24 of the injector housing 26, has been disclosed. For this purpose, the first readily releasable mechanism 28, by which the syringe 22 is attached to or removed from the injector housing front wall 26, and the second readily releasable mechanism 42, by which the plunger 38 of the syringe is drivingly connected to or released from the drive member 48 of the injector 27 cooperate to produce their respective connections and disconnections simultaneously." (*Emphasis Added*, Col. 8, lines 52-64).

Therefore, Reilly discloses a system that requires the connections of (1) the syringe 22 and injector wall 26 and (2) the plunger 38 and drive member 48 occur at the same time. This is very different from Applicants' invention. Applicants' invention includes a novel feature that "[u]pon secure connection of syringe 100 to injector 200 ... a preferably releasable connection between plunger 110 and piston 220 is preferably made." (Specification, page 12, lines 15-17). Therefore, the connection of plunger and piston is completed, once the syringe and injector are connected. One non-limiting example of the connection of the syringe and injector prior to the connection of the plunger and piston of Applicants' invention is that:

> During loading of syringe 100 onto injector 200, an operator inserts the rear portion of syringe 100 within opening 232 in face plate 240 so that, for example, one or more guide or stop members 140 are aligned with corresponding slot(s) 260 formed in face plate 240. Retainer 230 may include a sensor bank 264 (seated, for example, in seating area 266 formed in face plate 240) including a loading sensor or sensors 270 to sense the presence of syringe 100 and begin rotation of retaining member 250 to draw syringe 100 rearward with the opening in face plate 240 and create a secure engagement between syringe 100 and injector 200. (Specification, page 10, lines 15-26).

Therefore, Reilly does not teach all of the elements of Applicants' invention including "a drive member disposed in the housing and powered by the motor, the drive member operable to automatically advance and engage the plunger after the syringe is mounted on the injector." Accordingly, reconsideration of the rejection is requested.

Claims 4, 17 and 18 depend from Claim 1, which as discussed herein is believed to be allowable. Thus, Claims 4, 17 and 18 are also believed to be allowable.

Further, with regard to Claim 4, Reilly does not disclose stopping advancement of the drive member upon engagement of the drive member with the plunger of the syringe. In Reilly, the drive member does not advance to connect to the plunger, rather the drive member is at a predetermined positioned, either retracted or advanced, relative to the pressure jacket, and at the position simultaneously when the syringe is connected to the injector, and thus is positioned at the correct location to engage. (See Reilly Col. 8, lines 3-7 and lines 30-34). In fact Reilly discloses that "...having the syringe plunger 38' and the drive member 48' in their forward positions, as shown in

FIG. 10, has several advantages over the rearward position arrangement of FIG. 9, from a time standpoint. For example, since the syringe plunger 38' and the drive member 48' are already in their forward positions, it is not necessary to move them forward in preparation for a syringe-filling operation; rather, the plunger and the drive member can immediately be retracted for this purpose." (Reilly, col. 8, lines 36-40). Accordingly, reconsideration of Claims 4, 17 and 18 is respectfully requested.

REJECTIONS UNDER 35 USC 103

Claims 4, 6, 11 and 16 stand rejected under 35 USC 103(a) as being unpatentable over Reilly in view of Mandro. This rejection should be withdrawn in view of the remarks made hereinabove.

It is well settled that to establish a *prima facie* case of obviousness, the USPTO must satisfy all of the following requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the proposed modification does not have a reasonable expectation of success, as determined from the vantage point of one of ordinary skill in the art at the time the invention was made. *Amgen v. Chugai Pharmaceutical Co.* 18 USPQ 2d 1016, 1023 (Fed Cir, 1991), *cert. denied* 502 U.S. 856 (1991). Third, the prior art reference or combination of references must teach or suggest all of the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).

Claims 4, 5, 6, 11 and 16 depend from amended Claim 1, which as discussed herein is believed to be allowable. Thus, Claims 4, 6, 11 and 16 are also believed to be allowable. Accordingly, reconsideration of Claims 4, 6, 11 and 16 is respectfully requested.

DOUBLE PATENTING

Claims 2, 3 and 6-15 are objected to under 37 CFR 1.75 as being substantial duplicates of Claims 19-28. However, independent Claim 1 has been amended to provide a varied scope of claimed subject matter than independent claims 19, 20, 21 and 25. Thus, Claims 2-3 and 6-15 that depend from independent Claim 1 are believed to be allowable. Reconsideration is requested.

NEW CLAIMS

New Claims 29-30 have been added. In particular, Claim 29 depends from Claim 19 and includes subject matter from allowed claim 5, and claims 6 and 11. Similarly Claim 30 includes subject matter from allowed claim 5, and claims 6 and 11, but depends from Claim 20. The new claims include allowable subject matter, and no new matter has been added.

In view of the above amendments and remarks, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

October 23, 2007

By _____
Jill Deneswich
Attorney for Applicants
Registration No. 52,810